



Redevelopment of the Sydney Football Stadium

*State Significant
Development
Modification Assessment
(SSD-9249-MOD-3)*

June 2019

June 2019

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Glossary

Abbreviation	Definition
Consent	Development Consent
Council	City of Sydney Council
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
OEH	Office of Environment and Heritage
RtS	Response to Submissions
Secretary	Planning Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development



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1. Introduction

This report is an assessment of an application seeking to modify the State significant development (SSD) approval (SSD 9249) for the redevelopment of Sydney Football Stadium (SFS), located at 40 - 44 Driver Avenue, Moore Park within the City of Sydney Local Government Area (LGA). The application has been lodged by Infrastructure NSW (the Applicant) pursuant to section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to modify condition C8(c) of Schedule 2 of the development consent by amending the percentage of native plant species required to be planted on the site.

The approved concept development application for the redevelopment of the existing SFS comprises:

- the Concept Proposal for maximum building envelope, design and operational parameters for a new rectangular stadium with up to 45,000 seats (55,000 patrons in concert mode).
- Stage 1 works including the demolition of the existing Sydney Football Stadium down to the slab / existing ground level, associated works and identification of the demolition and the construction compound.

Schedule 2 of the development consent for SSD 9249 provides conditions that are required to be satisfied as part of the future application for the detailed design and operation of the future stadium. Condition c8(c) of Schedule 2 requires that 95% of the new or replaced vegetation should comprise Australian native species from the relevant vegetation community. The modification seeks to amend the condition by replacing '95%' with 'predominantly'.

1.1 Background

The SFS is located at the northern corner of the property at No. 40–44 Driver Avenue, Moore Park (**Figure 1**). The project area (site) comprises the northern half of this property and is legally described as part Lots 1528 and 1530 DP 752011 and Lot 1 DP 205794. The site is located approximately 3 kilometres (km) south-east of the Sydney Central Business District (CBD).

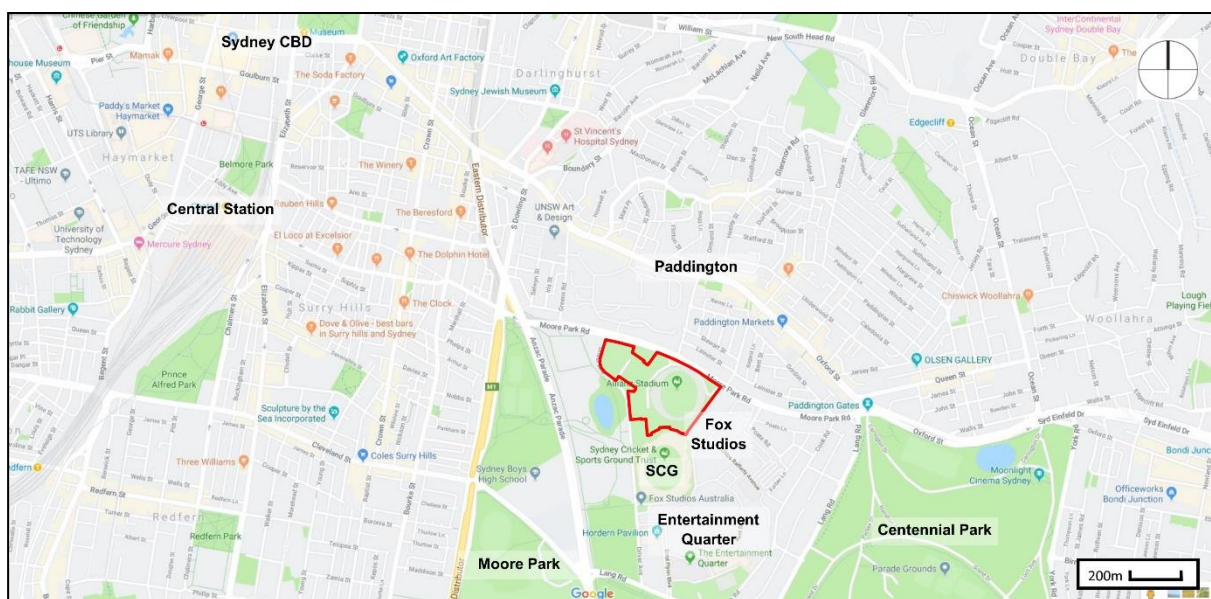


Figure 1 | Site location in the local context (Base source: Nearmap 2019)

The site has an area of 8.7 hectares (ha) and is Crown land, with the Sydney Cricket and Sports Ground Trust designated as the sole trustee under the *Sydney Cricket and Sports Ground Act 1978*. The site has a frontage to Moore Park Road to the north, Paddington Lane to the east and Driver Avenue to the west.

The property at No. 40–44 Driver Avenue, Moore Park also accommodates the following additional existing buildings, structures and facilities, which do not form a part of the site:

- the Australian Rugby Development Centre (ARDC) and the Rugby League Central Building (RLCB), located along the north and south of the Moore Park Carpark 1 (MP1), respectively.
- the SCG, comprising stands, buildings, landscaped areas, with a capacity for 48,000 spectators.
- Cricket NSW Outdoor Wickets.

The property forms part of a larger entertainment and recreation precinct shared with Centennial and Moore Parks, Fox Studios, and the Entertainment Quarter as identified in **(Figure 1)**.

1.2 Approval History

On 6 December 2018, the then Minister for Planning granted consent for the concept development application for the redevelopment of the existing SFS comprising:

- A Concept Proposal comprising:
 - a maximum building envelope for the stadium including basement and a roof over all permanent seating.
 - maximum stadium capacity of 45,000 seats (55,000 patrons in concert mode).
 - member areas, premium box/terrace, function lounge and corporate suite operations.
 - flood lighting, stadium video screens and ancillary fittings.
 - team, media and administration facilities, food and beverage areas.
 - new playing pitch and provision for ancillary uses.
 - public domain works and landscaping.
 - identification of the existing MP1 as the demolition and construction compound.
- Concurrent Stage 1 works comprising:
 - demolition of the existing stadium including the existing Sheridan, Roosters, Waratahs, Cricket NSW Administration Building and Indoor Wickets to ground level (existing slab level).
 - removal of 26 trees.
 - use of the existing MP1 as the demolition compound.

The Stage 1 works, pursuant to SSD 9249, are currently being undertaken on the site.

The development consent has been modified on one occasion and one additional modification is currently under assessment (see **Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Amend the project boundary to exclude a small area from the site, comprising two tennis courts at the south-western corner of the site.	Department	4.55(1A)	05/06/2019
MOD 2	Amend the scope of Stage 1 works to include removal of on-ground slabs, piles and divert stormwater infrastructure.	Minister	4.55(1A)	Under assessment



2. Proposed Modification

The modification application (SSD-9249-Mod-3) seeks to modify condition C8(c) of Schedule 2, in relation to the percentage of native and / or endemic plant species required to be provided on the site as part of the future Stage 2 application for the detailed design, construction and operation of the new stadium (Stage 2 application).

Condition C8 of Schedule 2 states the following:

Landscaping, public domain and open space

- C8. *The future development application must be supported by landscape plans including (but not limited to) the following requirements:*
- a) *a tree removal plan identifying the exact number of trees that are likely to be lost as a result of the development;*
 - b) *a planting schedule which demonstrates that the lost tree canopy will be replaced by new trees at a ratio of 1(tree lost):1.5 (trees replaced);*
 - c) *95% of the new or replaced vegetation is to be Australian native species from the relevant native vegetation community; and*
 - d) *native vegetation must pre-dominantly consist of suitable foraging species for Grey-Headed Flying Fox.*

The Applicant seeks to modify C8(c) by removing the reference to a numeric percentage (95%) and replace it with the word “*predominantly*”, to provide more flexibility to the proposed variety of plant species on the site in the future.

To justify the proposed modification, the Applicant submitted a report analysing the suitability of the replacement plant species selected for the site. The report concludes that the required proportion of endemic species (native species restricted to the local / relevant native vegetation community) cannot be achieved on the site due to:

- the microclimatic conditions of the site.
- requirement to provide plant species that are suitable for foraging by Grey Headed Flying Fox.
- the provision of replacement plant species that are suitable for areas with high pedestrian traffic.
- the need to provide additional diversity and visual interest through feature / ornamental plantings.



3. Strategic Context

The development, as modified, continues to be consistent with the following as the minor amendment to the plant species does not alter the key components or outcomes of the proposal:

- the NSW Stadia Strategy 2012 and 2015 Preliminary Sydney Cricket Ground Master Plan.
- Greater Sydney Commission's (GSC) A Metropolis of Three Cities - The Greater Sydney Plan.
- the vision outlined in the GSC Eastern City District Plan.
- the State Infrastructure Strategy 2018 – 2038 Building the Momentum.
- the City of Sydney's Sustainable Sydney 2030.
- the NSW Future Transport Strategy 2056.
- the TfNSW Sydney's Cycling Future 2013.

The development, as modified, also continues to provide direct investment in the region of approximately \$674 million, which would support 30 jobs for Stage 1 demolition works and up to 300 additional operational jobs upon completion.



4. Statutory Context

4.1 Scope of Modification

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not significantly increase the environmental impacts of the project as approved.
- is substantially the same development as originally approved.
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Environmental Assessment Requirements

Section 4.55 of the EP&A Act requires the following matters to be assessed in respect of all applications which seek modifications to approvals (**Table 2**):

Table 2: Matters to be considered under section 4.55 of the EP&A Act

Matter	Consideration
Whether the proposed modification is of minimal environmental impact	The proposed modification would result in minimal environmental impacts as it only seeks to vary the percentage of native plant species proposed to be planted on the site in the future. It does not propose any physical changes or alter the uses envisaged under the Concept Proposal.
Whether the development to which the consent as modified relates is substantially the same development	The proposed modification does not seek to significantly amend the development. The approved development, as proposed to be modified, will remain substantially the same.
Whether notification has occurred, and any submissions have been considered	In accordance with the EP&A Act and the EP&A Regulations, the modification request does not need to be notified. The application was made publicly available on the Department's website and referred to City of Sydney Council (Council) and the Office of Environment and Heritage (OEH).
Any submission made concerning the proposed modification has been considered.	The Department received submissions from Council and OEH, which are discussed in Section 5 of this report.
Any relevant provisions of section 4.15(1)	The relevant provisions of section 4.15(1) of the EP&A Act are

Matter	Consideration
of the EP&A Act	considered in this section and the assessment section of this report. The modification would not alter the development's existing compliance with the relevant planning instruments.
Consideration of the reasons for the granting of the consent that is sought to be modified	The Department has considered the findings and recommendations in the Department's Assessment Report for SSD 9249, including the key reasons for granting consent outlined in the Notice of Decision. The Department is satisfied that the key reasons for the granting of consent continue to be applicable to the development, as modified.

4.3 Consent Authority

The Minister will be the consent authority under s. 4.5(a) of the Act unless the Independent Planning Commission is the consent authority under clause 8A(2) of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

Minister's delegate as consent authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 11 October 2017, the Director, Social and Other Infrastructure Assessments, may determine the application as:

- the relevant local council has not made an objection.
- a political disclosure statement has not been made.
- there are no public submissions by way of objection.



5. Engagement

5.1 Department's Engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation for section 4.55(1A) applications do not apply to State significant development. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 5 June 2019 and was referred to Council and OEH for comments.

Council and OEH raised no objections to the proposed modification.

Council commented that appropriate plant species should be selected for the landscaped areas of the site in future based on amenity as well as ecological requirements.



6. Assessment

The Department has considered the Modification Report and the plant selection analysis in its assessment of the modification application. The Department considers that the key issue associated with the modification is its impacts on the biodiversity values due to the replacement of the lost tree canopy by plant species that are not endemic to the site.

The Stage 1 works require the removal of 26 trees from the site. At the time of assessment of the Concept Proposal, the Department raised no concerns regarding the removal of the trees, subject to the implementation of condition C8, which requires that the loss of trees in Stage 1 should be suitably compensated in Stage 2 via replacement planting with suitable varieties. The requirement in condition C8(c) for 95% of the plant species to be Australian native species of the relevant native vegetation community (or endemic) was based on the Applicant's Environmentally Sustainable Design Strategy that supported the Concept Proposal.

The plant selection analysis report submitted by the Applicant as part of the modification application states that the loss of tree canopy would be satisfactorily replaced by the planting of 130 trees (in accordance with condition C8(b)) as part of the Stage 2 application. The selection criteria for replacement planting species within the public domain areas of the future stadium seek to achieve the broader objective of the landscaping principles for the site, which include:

- promoting a green, planted edge to frame the concourse of the future stadium.
- promoting canopy coverage with plant species that reflect the existing park context and species.
- providing plant species from the endemic community (eastern Suburbs Banksia Scrub).
- introducing tree planting for amenity of the community and with microclimatic considerations.
- providing plant species with specific performance criteria such as low water use, fit for purpose, contributing to local biodiversity and commercial availability.

The report concludes that the use of endemic species in all identified mass planting areas would not satisfy the objectives of the landscape strategy for the site. Further, given that the existing landscape is highly disturbed, the conditions in certain areas within the site are not considered suitable for planting endemic species. The report also advises that all the plant species that are suitable for the foraging of Grey Headed Flying Fox, which was a requirement of OEH, are not endemic to the site. Therefore, the requirement to comply with C8(d) would compromise the ability to comply with C8(c) (95% endemic species).

Given the above factors, the following breakdown of replacement plant species is proposed (**Table 3**):

Table 3: Breakdown of the plant species (trees, shrubs, ground cover and grass) proposed

Species	Total types	Percentage	Combined Percentage
Endemic	26	47%	80%
Native	18	33%	
Exotic	11	20%	20%

OEH reviewed the Applicant's report and supports the proposed modification.

The Department has assessed the Applicant's Modification Report and plant selection criteria in detail. The Department notes that the biodiversity assessment report (BDAR) provided with SSD 9249 does not identify any significant native vegetation on the site that would require replacement / offset by native vegetation on the site. Considering the above, the Department agrees with the Applicant's argument that the proposed plant selection criteria should achieve the broader objective of the landscape strategy, which may be compromised by the use of endemic plant species in all landscaped public domain areas within the site.

The Department considers that provision of 80% of native / endemic plant species within the future landscaped areas of the site is reasonable, considering the nature of the future use of the site. The overall plant species selection criteria comply with the intent of condition C8.

Therefore, the Department is satisfied that the proposed amendment to the condition would not increase the impact on biodiversity values of the site and would also not require the submission of a further BDAR under section 7.17(c) of the *Biodiversity Conservation Act 2016*.

The proposed amendment to condition C8 of Schedule 2 would require modification to the development consent of SSD 9249. The modified condition is detailed in **Appendix B**.

The Department is satisfied that the amendment is likely to have minimal impacts and recommends that the proposed modification be approved.



7. Evaluation

The Department has reviewed the Applicant's Modification Report and assessed the merits of the modified proposal. The Department is satisfied that all environmental issues associated with the proposal have been thoroughly addressed.

The Concept Proposal and approved Stage 1 works would not significantly change due to the proposed modification. The proposed modification is unlikely to impact on the environmental amenity of the surrounding area.

The Department considers that the application is consistent with the objects of the EP&A Act and continues to be consistent with strategic directions for the State.

The Department concludes the impacts of the proposed modification are acceptable. Consequently, the Department considers the development is in the public interest and the modification application should be approved.



8. Recommendation

It is recommended that the Director, Social and Other Infrastructure Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report.
- **determines** that the application SSD-9249-Mod-3 falls within the scope of section 4.55(1A) of the EP&A Act.
- **forms the opinion** under section 7.17(c) of the *Biodiversity Conservation Act 2016* that a biodiversity development assessment report is not required to be submitted with this application as the modification will not increase the impact on biodiversity values of the site.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application.
- **modify** the consent SSD 9249.
- **signs** the attached instrument of approval of the modification (**Appendix B**).

Recommended by:

Aditi Coomar

Principal Planner

Social and Other Infrastructure Assessments

Recommended by:

David Gibson

Team Leader

Social Infrastructure Assessments



9. Determination

The recommendation is **Adopted** by:

Karen Harragon

Director

Social and Other Infrastructure Assessments

28/6/2019



Appendices

Appendix A – List of Documents

<https://www.planningportal.nsw.gov.au/major-projects/project/13706>

Appendix B – Instrument of Approval of the Modification